

siderations of patriotism, not by love of country, not by those enlarged views which give character to nations and to statesmen; but by considerations immediately arising from the sectional advantage of the particular quarter, North or South, in which the doctrine was advocated. Whatever debates took place in the Convention that formed the Constitution, what debates may have taken place by the able men of our country, either in the Congress of the United States, or in the Supreme Court of the United States, or in the State Conventions, or in any other forum in which they may have transpired—all partook of this very same character. Wherever you find this question the subject of discussion, you find that the circumstances which surround the men engaged in the discussion, are circumstances which give tone and character to their opinions. The country, the whole country, the good of the country, have been merged in the personal interests and aggrandizements of individuals and States. Such has been the conclusion which I have reached from a tolerably careful examination of the history of this question of State rights.

Indeed, the Convention which formed the Constitution itself was not free from this influence. For if my memory serves me, I have seen somewhere a letter from General Washington, written during the sitting of the Convention, or soon afterwards, in which he declares that the selfish interests of some of the States were so controlling that they were not willing to surrender even the smallest attribute of sovereignty, though necessary to make the government of the whole country what it should be.

I propose, Mr. President, to answer only in a very brief and summary way a few of the points that have been raised in the course of the debate upon this question. I find it very difficult to make a general answer for the reason that no two of the gentlemen who have occupied the floor in opposition to this article, occupy the same ground in relation to the question of State rights. They all materially differ; all, however, landing in Dixie; all reaching the conclusion that secession is perfectly legitimate, according to some by peaceful means, according to others by revolutionary means. I regard the term "revolution" as, for the most part, conveying the idea of violent means, although in latter days it has received a more convenient construction, and is now interpreted to mean, a getting away from bonds by peaceful means if you can, by violence, or force, if necessary.

Now, in regard to 'sovereignty,' for that is the great basis upon which all these rights rest. We are told that this sovereignty is coextensive with the history of the people; that is, from the time of the achievement of independence. That the very moment our independence was achieved, each colony became a sovereign State; that that condition

of sovereignty passed with them under the articles of confederation, passed with them under the Constitution of the United States, and it is now possessed by them intact, unchanged, absolute. In legal acceptance, what are the attributes of sovereignty? Let us go down to first principles; let us analyze this word "sovereignty," and see what it really means. I shall do that very briefly, by simply referring to its definition in the Law Dictionary, without undertaking at all to produce any other authority. The authorities upon which Bouvier relies are cited by him, and I take it for granted they are cited correctly. And I shall, therefore, not occupy the attention of the Convention by any analysis of them, but shall adopt his definition as *ex cathedra*.—What does he say:

"Sovereignty," says Bouvier, "is the union and exercise of all human power possessed in a State; it is a combination of *all powers*; it is the power to do everything in a State without accountability; to make laws, to execute and to apply them; to impose and collect taxes, and levy contributions; to make war, or peace, to form treaties of alliance or of commerce with foreign nations;" for this definition Bouvier refers to Story on the Constitution 207.

Again, he continues, "*Sovereignty*, abstractedly resides in the body of the Nation, and belongs to the people: strictly speaking in our Republican forms of Government, the *absolute sovereignty* of the Nation is in the people of the Nation; and the RESIDUARY SOVEREIGNTY of each State, not granted to any of its public functionaries is in the people of the State."—Bouvier, 533.

Here then is an accepted definition of the term "sovereignty," from the highest authority.

Now, sir, will any gentleman upon the other side contend that the States which formed the Constitution parted with no attribute of sovereignty, conceding that antecedently they were each sovereign? Will it be contended that they invested in that *metaphysical entity*, of which they speak, no organic power; that the United States, as such, was merely an agent created by power of attorney; which power was subject to reclamation at the will of the principal? If that be so, what must be the conclusion to be reached, referring to the same authority to afford us the light of interpretation? Did not that very people, these very constituents, these so-called principals, which created this agency, put themselves and even the judges of their courts under an obligation by oath to support that Constitution? And will it be said by reasonable men that a principal will obligate itself by oath to the support of an agent, and thereby create an agent far, infinitely far, above their control, irresponsible and without restraint? And yet that is the absurd conclusion reached by the argument, that the principal is subordinate to the agent,